

REMARKS

Claims 1, 4, 5, 7-10, 13,14 and 16-18 are pending. Claims 2, 3, 11 and 12 are canceled and claims 1 and 10 have been amended.

Claims 1-3, 5, 7-12, 14, 15 and 18 were rejected under 35 USC §102(b) as being anticipated by Imai et al. Favorable reconsideration of this rejection is earnestly solicited.

Independent claims 1 and 10 have been amended to specify a growth rate in a range of 25 angstroms per second to 42 angstroms/sec. Imai et al. fails to teach or suggest the presently claimed invention.

The Examiner notes that Imai et al. discloses a growth rate of 0.1 to 20 angstroms/sec to form a layer having a thickness less than 5000 angstroms. This growth rate does not overlap with the presently claimed growth rate. Furthermore, this growth rate would not suggest the growth rate set forth in the present claims.

Claim 17 was rejected under 35 USC §103(a) as being unpatentable over Kondow et al. in combination with Imai et al. Favorable reconsideration of this rejection is earnestly solicited.

Kondow et al. fails to provide the teachings which Imai et al. lacks, as noted above. Accordingly, claim 17 distinguishes over this combination of references.

An Information Disclosure Statement was filed on January 16, 2004. The Examiner is requested to acknowledge consideration of the references cited in the Information Disclosure

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Statement with the next communication from the Patent Office.

For at least the foregoing reasons, the claimed invention distinguishes over the cited art and defines patentable subject matter. Favorable reconsideration is earnestly solicited.

Should the Examiner deem that any further action by applicants would be desirable to place the application in better condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 50-2866.

Respectfully submitted,

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Attachment: Petition for Extension of Time

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